

IDAHO BOARD OF PSYCHOLOGIST EXAMINERS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 7/22/2016

BOARD MEMBERS PRESENT: Jason D Gage, Ph.D - Chair
Helen A Holley, Ph.D
Travis Hawkes
Linda Hatzenbuehler, Ph.D

BOARD MEMBERS ABSENT: Theresa L Ross, Ph.D

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel
Debbie Sexton, Management Assistant
Pam Rebolo, Technical Records Specialist

OTHERS PRESENT: Gideon Tolman, DFM

The meeting was called to order at 8:30 AM MDT by Jason D Gage, Ph.D.

UPDATED AGENDA

Dr. Holley made a motion to accept the updated agenda. It was seconded by Mr. Hawkes. Motion carried.

APPROVAL OF MINUTES

Mr. Hawkes made a motion to approve the minutes of 2/12/16, 4/21/16 and 4/22/16. It was seconded by Dr. Holley. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative update and stated that the proposed rules will be discussed in more detail later in the meeting. She also said that proposed law changes are due to the Governor's Office by August 1, and proposed rule changes are due to the Governor's Office by the third week in August for the 2017 Legislature.

FINANCIAL REPORT

Ms. Cory gave the financial report, which indicated that the Board had a cash balance of \$195,055.48 as of 6/30/16.

FY 2017 CONTRACT

Ms. Cory reviewed the FY 2017 contract with the Board. Dr. Holley made a motion to approve the contract and authorize the Chair to sign. It was seconded by Mr. Hawkes. Motion carried.

DISCIPLINE

Mr. Ellsworth presented a Reconsideration regarding case number PSY-2014-2. The Board acknowledged they have reviewed the record and the fee, cost and attorney fee affidavit. After discussion, the Board found that Respondent had not defended the case without reasonable basis in fact or law as shown in the record. The Board found the fees, costs and attorney fees are reasonable. Dr. Holley made a motion to accept the fees requested as reasonable direct Mr. Ellsworth to prepare an Order for signature of the Chairman based on the Board's findings. It was seconded by Mr. Hawkes. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Dr. Hatzenbuehler made a motion to approve the Bureau's recommendation and authorize closure in case I-PSY-2016-7 and I-PSY-2016-8. It was seconded by Dr. Holley. Motion carried.

OLD BUSINESS

To Do List – The Board reviewed the to do list.

TELEPSYCHOLOGY

Dr. Hatzenbuehler briefed the Board about issues that were found with the telepsychology draft. She stated there were not any requirements regarding in person contacts. Mr. Toryanski stated that Standard of Care Guideline #2 of the American Psychological Association had some information that the Board would want to consider adding. The subcommittee reviewed the APA guidelines which had to do with following the standard of care. The other issue was requirements for face-to-face contact. Mr. Toryanski stated that one other item that Dr. Ross expressed concern with was that the rules be compatible with the Association of State and Provincial Psychology Board (ASPPB) Interjurisdictional Compact which was recently signed by Arizona. Dr. Hatzenbuehler stated that the

compact seems to be moving forward. Therefore to keep up with other states, the Board should include the compact in its rules to reflect the interjurisdictional compact. Dr. Gage stated that the Board will eventually have to decide if it wants to join the compact but that the rules should reflect the compact. Mr. Toryanski stated that the standard of care is addressed in the Idaho Telehealth Access Act, Idaho Code 54-5704, which states that, “a provider offering telehealth services must at all times act within the scope of the provider's license and according to all applicable laws and rules, including, but not limited to, this chapter and the community standard of care”. Dr. Hatzenbuehler stated that rules could refer to the Telehealth Act and that it would be helpful to the provider. Dr. Holley stated the subcommittee was trying to clarify and not to make the rule redundant to what was already in place. She stated that standard of care is already in the APA and the Ethics and other areas the psychologists abide by through their profession. Dr. Holley suggested it be put under the competence section. Dr. Holley stated the lead-in should state, “these rules are intended to supplement not supersede the APA guidelines for telepsychology and existing law and acts in Idaho Psychology.

Mr. Toryanski stated he would like to go through the proposed rules by section and review what the Telehealth Council had recommended. Mr. Toryanski will rewrite the draft and bring it back to the Board.

SERVICE EXTENDER

The Board called Dr. Arnold in regard to his correspondence regarding his comments on the proposed new service extender category III and proposed rules. Dr. Arnold is requesting that the Board add an additional service extender sub-category for Psychometrists. The Board discussed Dr. Arnold's suggestions and Dr. Gage asked if there is an increased risk to the public. Dr. Hatzenbuehler asked if the Board was going to focus on the certification issue rather than making secure settings an exemption. The Board did not realize that there was a national board psychometrist certification and stated there were approximately three psychometrists within the state. Most service extenders do not have this certification unless they are giving forensic evaluations. Dr. Arnold stated that a psychometrist has training and course work in dealing with crisis situations and secure settings. Dr. Gage asked the Board if the rules should be revised to include secured settings. Dr. Hatzenbuehler, who works in a secured setting, had some concerns with relaxing the supervision requirements for service extenders. Dr. Hatzenbuehler requested the discussion be tabled until Dr. Ross is available to discuss. Mr. Hawkes agreed with Dr. Arnold's discussion. Dr. Hatzenbuehler stated that she did not recommend making an exception for secured settings at this point. Mr. Hawkes recommended that this proposed rule be left as is and the Board can discuss it in the future if another category is to be added.

NEW BUSINESS

DISCIPLINARY SANCTIONING GUIDELINES

Ms. Peel presented the Board with Disciplinary Sanctioning Guideline examples from three other states. The Board of Professional Counselors and Marriage and Family Therapists is requesting to meet with other Boards in regard to implementing disciplinary sanctioning guidelines and impaired professionals. Dr. Holley stated she would work with the Professional Counselor Board to discuss guidelines. Mr. Hawkes made a motion to designate Dr. Holley to work with the Professional Counselor Board. It was seconded by Dr. Hatzenbuehler. Motion carried.

CLINICAL ADVISORY WORKGROUP

The Department of Health and Welfare, Division of Behavioral Health, Children's Mental Health program is developing a workgroup in response to a class action lawsuit. The workgroup has invited members of other boards to participate in the process. Dr. Hatzenbuehler stated she would be interested in participating in the workgroup. Mr. Hawkes made a motion for Dr. Hatzenbuehler to participate in the DHW Division of Behavior Health work group. It was seconded by Dr. Holley.

CORRESPONDENCE

The Board reviewed correspondence from Richard Farmer in regard to using reviews of manuscripts for continued education credit. The Board will respond stating Rule 401 Self Study and direct Mr. Farmer to use the Self Study Education Pre-Approval application in the future.

The Board reviewed correspondence from Jill Stensby regarding Service Extender Category I and II and the difficulty of obtaining clinical hours and if the Board would allow an exemption. The Board will reply that no exemption will be allowed and that Ms. Stensby is able to gain hours from more than one psychologist. Clarification will also be stated that Service Extenders are not allowed to write full psychological assessment reports.

ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS ANNUAL MEETING

Mr. Hawkes made a motion to allow travel for the Chairman to attend the ASPPB Annual meeting in Baltimore, Maryland on October 19-22 and travel and expenses for one Bureau staff member. It was seconded by Dr. Holley. Motion carried.

ELECTION OF OFFICERS

Dr. Holley made a motion to elect Dr. Gage as Chairman to the Board. It was seconded by Mr. Hawkes. Motion carried.

Mr. Hawkes made a motion to retain Dr. Ross as Vice-Chair. It was seconded by Dr. Holley. Motion carried.

EXECUTIVE SESSION

Dr. Holley made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Hawkes. The vote was: Dr. Holley, aye; Dr. Hatzenbuehler, aye; Dr. Gage, aye; and Mr. Hawkes, aye. Motion carried.

Mr. Hawkes made a motion to come out of executive session. It was seconded by Dr. Hatzenbuehler. The vote was: Dr. Holley, aye; Dr. Gage, aye; Dr. Hatzenbuehler, aye; and Mr. Hawkes aye. Motion carried.

APPLICATIONS

Mr. Hawkes made a motion to approve the following for licensure:

Heather Hoyt
Janet Sommer
Abigail Jenkins
Brittany Bowman

It was seconded by Dr. Hatzenbuehler. Motion carried.

Mr. Hawkes made a motion to table the following application:

901142614

It was seconded by Dr. Hatzenbuehler. Motion carried.

Mr. Hawkes made a motion to approve the following application pending further information and review by the Chairman:

901145955

It was seconded by Dr. Hatzenbuehler. Motion carried.

Mr. Hawkes made a motion to deny the following application referencing Idaho Code 54-2307:

Edward Deatherage

It was seconded by Dr. Hatzenbuehler. Motion carried.

CONTINUING EDUCATION

Mr. Hawkes made a motion to have Investigations send a warning letter to two licensees regarding CE Audits.

It was seconded by Dr. Holley. Motion carried.

REVISED PROPOSED RULES DRAFT

Mr. Toryanski presented the Board with the revised draft of the proposed rules. Dr. Hatzenbuehler made a motion to approve the rules as amended. It was seconded by Mr. Hawkes. Motion carried.

NEXT MEETING was scheduled for October 7, 2016 at 8:30 AM.

ADJOURNMENT

Mr. Hawkes made a motion to adjourn the meeting at 12:20 PM. It was seconded by Dr. Hatzenbuehler. Motion carried.

Jason D Gage, Ph.D, Chair

Helen A Holley, Ph.D

Travis Hawkes

Linda Hatzenbuehler, Ph.D

Theresa L Ross, Ph.D

Tana Cory, Bureau Chief